

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Connor J., *through his parents*, Kevin J.
and Katherine J.

Plaintiffs,

v.

KENNETT CONSOLIDATED SCHOOL
DISTRICT

Defendant.

CIVIL ACTION

NO. 21-4495

ORDER

AND NOW, this 1st day of February 2023, upon consideration of the Parties' Cross-Motions for Judgment on the Administrative Record (ECF 13, 14), the Parties' Responses (ECF 15, 16), and after a careful review of the underlying record and the Hearing Officer's Final Decision and Order (ECF 3-3), it is hereby **ORDERED** that Defendant's Motion is **GRANTED IN PART and DENIED IN PART** and that Plaintiffs' Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. To the extent Plaintiffs argue the District denied Connor a FAPE from September of 2017 through February of 2019, Plaintiffs' Motion is **DENIED**. Defendant's Motion is **GRANTED** and judgment is **ENTERED** in favor of the Defendant on claims relating to this period.
2. To the extent Plaintiffs challenge the Hearing Officer's finding that Connor was not denied a FAPE from February of 2019 to January of 2020, Plaintiffs' Motion is **DENIED**. The Hearing Officer's decision is **AFFIRMED**, Defendant's Motion is **GRANTED** and judgment is **ENTERED** in favor of the Defendant on claims relating to this period.

3. To the extent Plaintiffs challenge the Hearing Officer's finding that the District did not deny Connor a FAPE from January of 2020 through March of 2020, Plaintiffs' Motion is **DENIED**. The Hearing Officer's decision is **AFFIRMED**, Defendant's Motion is **GRANTED** and judgment is **ENTERED** in favor of the Defendant on claims relating to this period.
4. To the extent Defendant argues the District did not deny Connor a FAPE from March 2020 through June 2020 and seeks to vacate the Hearing Officer's award of compensatory education for this time period, Defendant's Motion is **DENIED**. The Hearing Officer's decision is **AFFIRMED**, Plaintiffs' Motion is **GRANTED** and judgment is **ENTERED** in favor of the Plaintiffs on claims relating to this period.
5. To the extent Plaintiffs challenge the Hearing Officer's calculation and award of compensatory education for the period from May of 2020 to November of 2020, Plaintiff's Motion is **DENIED**. The Hearing Officer's decision is **AFFIRMED**, Defendant's Motion is **GRANTED** and judgment is **ENTERED** in favor of the Defendant on claims relating to this period.
6. Plaintiffs may file a petition for attorneys' fees and costs on or before **March 2, 2023**. Defendant may file a response on or before **March 16, 2023**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.